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November 21, 2024

VIA ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

**Re: Veleva v. Sebastian's Pizzeria Inc., et al. No. 24 CV 4930
Letter Request for Leave to File First Amended Complaint**

Dear Judge Vyskocil:

We represent the Plaintiff in the above captioned case and write, pursuant to Federal Rule of Civil Procedure ("FRCP") 15(a)(2), to request for leave to file an amended complaint to add overtime claims under the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL").

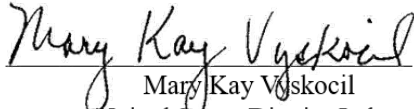
As the Court is aware, and as Plaintiff's counsel explained during the initial conference yesterday, after reviewing the initial documents produced by Defendants, Plaintiff became aware that she worked over forty hours during a few work weeks over the course of her employment with Defendants. As Plaintiff contends that Defendants paid her an improper hourly rate, she alleges that they paid her an improper overtime rate as well. As such, Plaintiff seeks to add FLSA and NYLL overtime claims to her complaint. During the conference, Defendants' counsel represented to the Court that Defendants had no objection to Plaintiff amending her complaint in this way. It is Plaintiff counsel's understanding that Your Honor granted Plaintiff leave to amend her complaint to add the FLSA and NYLL overtime claims during the conference.

Thus, yesterday, after the conference Plaintiff filed an amended complaint. Today, the Clerk of Court rejected Plaintiff's amended complaint because, pursuant to FRCP 15(a)(2) Plaintiff did submit Defendants' written consent or an order granting Plaintiff leave from the Court to amend. *See* November 21, 2024 Minute Order. To cure Plaintiff's deficient filing, Plaintiff now seeks an order from this Court granting Plaintiff leave to file an amended complaint.

We respectfully thank the Court for its careful consideration of this matter.

Plaintiff is granted leave to file an amended complaint to add FLSA and NYLL overtime claims. Any amended complaint shall be submitted in accordance with the case management plan filed at ECF No. 28. SO ORDERED.

Date: 11/21/2024
New York, New York


Mary Kay Vyskocil
United States District Judge

Respectfully submitted,

JOSEPH & KIRSCHENBAUM, LLP

/s/ Michael DiGiulio
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